

## Legislative Veto On Amending Pact Is Asked

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The nuclear test-ban treaty ran into rough going in the Senate yesterday as two powerful opponents opened their attacks with two separate reservations. Sen. Richard B. Russell (D-Ga.), chairman of the Senate Armed Services Committee, proposed a change in the resolution of ratification spelling out that the Senate must pass on all future amendments. Russell said he intended to propose the change in spite of "assurances" that the Senate will be accorded this right.

Sen. Barry Goldwater (R-Ariz.), front-runner for the 1964 GOP presidential nomination, formally proposed to condition approval of the treaty on withdrawal of all Soviet troops and weapons from Cuba. But Goldwater warned he will vote against the treaty even if his reservation is adopted.

Senate treaty managers had anticipated the Goldwater move, and felt ready to cope with it, but the Russell proposal came out of the blue. The influential Georgian had announced his opposition to the treaty, but had never hinted at the move he made yesterday.

### Fulbright Sees Precedent

Senate Foreign Relations Chairman J. William Fulbright (D-Ark.), floor manager of the treaty, told Russell his amendment was not only "unnecessary," but it could set a "precedent" for similar action by the Senate every time a treaty was approved.

Off the floor, others voiced concern that language added to the resolution of ratification, even if it simply restated a procedure that would be followed in any event, could serve to further cloud the issues. It would not require renegotiation of the treaty, but the added language would have to be circulated to all of the 90 other signatories.

Russell told the Senate he wasn't impressed by the arguments of Fulbright, Senate Majority Whip Hubert H. Humphrey (D-Minn.) and others and that Secretary of State Dean Rusk already has stated categorically that any future amendments to the treaty will be submitted to the Senate for ratification. He argued that some future President might bypass the Senate, regardless of its Constitutional rights, and try to amend the treaty by "executive agreement."

Even while Russell was speaking, President Kennedy was telling a news conference that "of course any proposal to change the treaty would be submitted" to the Senate for ratification. He said no President of the United States

would seek to bypass the Senate even if he could.

Russell remained unshaken in his decision to press for the new language, however.

"We are told that this is the first short step," he told the Senate. "I want to be sure that the next step, which may by longer, a step toward disarmament, is not accomplished without the Senate's approval. I do not expect this President to do that, but a future President might. The only recourse we would have would be to impeach him and we would have to go to the House to start that process."

Fulbright countered that if any President wanted to bypass the Senate, and wished to ignore the Constitution, Russell's proposed language would not stop him.

The Arkansas said the President could discontinue all testing if he wished, and "do all sorts of things" as Commander-in-Chief of the Armed Forces. But he termed it inconceivable that the President would do any of these things or ignore the "advise and consent" requirement in the Constitution.

By approving Russell's new language, Fulbright argued, the Senate would be "derogating" its own powers—saying in effect that it lacked this right under the Constitution.

Sen. Goldwater, later taking the floor, opened his speech on the treaty by ripping into its proponents. He said it has become clear that the sponsors "feel no argument should be forwarded against this treaty," and don't want to debate it at all.

"For every point of debate, for every argument, for every doubt, the answer is that we

must look but not touch, that we must consent but not advise, that we must ratify but not revise," he said.

### Challenged by Gore

Goldwater had hardly started talking before he was challenged by Sen. Albert Gore (D-Tenn.). Gore accused the Arizonan of making a "serious indictment of the Senate." He said he thought the debate was a good one and asked what Goldwater meant by suggesting the Senate "had no choice" but to go along.

Goldwater said he wasn't referring to the Senate alone, but he felt rather strongly that those who did not agree with the treaty were coming under attack. He said he had been called "irresponsible."

Humphrey assured him "debate not only is necessary, but it is required" and everyone should have a chance to speak his piece.

"I couldn't agree more," said Goldwater.

The Arizonan was challenged by Fulbright when he charged that the attitude of Senate treaty sponsors is "that we cannot risk offending" nations who have signed the treaty.

Fulbright said that certainly was not his attitude. He said there might be "disappointment" if the treaty was rejected, but he had no fear of offending anyone.

Goldwater went on to say that the Senate has been "swamped by . . . assurances and increasingly committed to them—no matter the doubts, no matter the dangers, no matter the real will of the people."

A few minutes before Goldwater took the floor, Sen. Thomas H. Kuchel (R-Calif.), assistant Senate Minority Leader, declared for ratification of the treaty and voiced hope for its "overwhelming" approval.

"Should the Soviet Union break the treaty, we will be ready to resume testing ourselves," Kuchel said. "We shall hope for the best, but we shall prepare for the worst."